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Making Refugee Rights a Reality in Africa, Asia, and Latin Amei



CHILDREN EDUCATION SOCIETY  
(CHESO)

CHAMA CHA ELIMU KWA WATOTO



20<sup>th</sup>  
LHRC  
LEGAL AND HUMAN RIGHTS CENTRE  
1995 - 2015

Mtaka Ishirini ya Mtezi wa Haki Tanzania

**United Republic of Tanzania  
Universal Periodic Review – 2<sup>nd</sup> Cycle  
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**INTRODUCTION**

1. The following report is submitted on behalf of Asylum Access - Refugee Solutions Tanzania (AATZ),<sup>1</sup> Church World Service (CWS),<sup>2</sup> the Legal and Human Rights Centre (LHRC),<sup>3</sup> and Children Education Society (CHESO)<sup>4</sup> for consideration in the United Republic of Tanzania’s second Universal Periodic Review (UPR), to occur during the 25th session of the UPR Working Group.
2. AATZ, CWS, LHRC and CHESO are non-governmental organizations that work directly with vulnerable populations in Tanzania. Over the past year, these organizations provided services including legal aid; case management and employer outreach for urban refugees; community empowerment training; and humanitarian aid to over 80,000 vulnerable individuals in Tanzania. They also advocate for the human rights of marginalized people and conduct awareness-raising initiatives.

**EXECUTIVE SUMMARY**

3. This report highlights breaches of asylum seekers’ and refugees’ rights in Tanzania (the State) that have occurred during the review period from 2011 to 2015, pertaining to: (1) freedom of movement, (2) the right to work, and (3) protection from refoulement. As asylum seekers and refugees were not directly mentioned in Tanzania’s 2011 UPR recommendations,<sup>5</sup> this report does not review the implementation of specific recommendations; instead, it identifies human rights abuses and identifies opportunities to assist the State to improve compliance with its obligations under international law.
4. Since refugee status is declaratory and not dependent on adjudication, any person who satisfies the definition of a refugee under the Convention Relating to the Status of Refugees (Refugee Convention)<sup>6</sup> or the 1969 Organization of African Unity Refugee Convention (OAU Convention)<sup>7</sup> is a refugee.<sup>8</sup> For purposes of this report, however, the term “refugee” is used

to refer to any person whose refugee claim has been recognized by the State or UNHCR. The term “asylum seeker” is used to refer to any person seeking to be adjudicated for refugee status who is yet to be recognized as a refugee by the State or UNHCR.

5. The State has facilitated durable solutions for refugees by naturalizing approximately 162,000 former Burundian refugees and 3,000 Somali Bantus in 2014.<sup>9</sup> The State’s generosity has also been demonstrated by hosting the recent influx of approximately 93,000 Burundian refugees.<sup>10</sup> In addition, the State published the National Human Rights Action Plan 2013-2017 (NHRAP) in December 2013, which set an objective to reform existing refugee law and policy to provide more effective protection for asylum seekers and refugees.<sup>11</sup>
6. Despite these achievements, breaches of asylum seekers’ and refugees’ rights have occurred since 2011. The State requires asylum seekers and refugees to live in refugee camps, which violates their right to freedom of movement. The State also continues to restrict asylum seekers’ and refugees’ access to their right to work. In addition, due process violations in refugee status determination (RSD) create a risk of refoulement in breach of Tanzania’s obligations under international law.
7. The submitting organizations propose the following recommendations to the Government of the United Republic of Tanzania:

***Regarding freedom of movement***

- **Urgently take measures toward granting freedom of movement to asylum seekers and refugees.**
- **Ensure the National Identification Authority provides uniform identity cards to all asylum seekers and refugees that include the person’s immigration status and photo.**

***Regarding the right to work***

- **Improve access to business licenses and work permits for asylum seekers and refugees.**
- **Ensure any fees associated with obtaining work permits are affordable for asylum seekers and refugees.**
- **Exempt refugees seeking work permits from the requirement of employer sponsorship and other conditions that they are unable to satisfy because of their displacement.**

***Regarding protection from refoulement through due process in RSD***

- **Ensure asylum seekers are given prompt access to fair and individualized RSD.**
- **Ensure that all government officers involved in RSD procedures are knowledgeable in refugee matters and receive training on accurately assessing refugee claims.**
- **Provide written reasons for negative RSD decisions.**
- **Allow applicants the right to appeal a negative RSD decision to a different decision maker.**

## FREEDOM OF MOVEMENT

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8. Discretionary policies resulting in mandatory encampment of asylum seekers and refugees as well as the State's failure to issue such individuals adequate identity papers, severely limits their freedom of movement and contravenes Tanzania's international human rights obligations.<sup>12</sup>

### **Mandatory Encampment**

9. *De facto* mandatory encampment of asylum seekers and refugees along with *ad hoc* limitations to their freedom of movement violates the Tanzanian Government's obligations under Article 26 of the Refugee Convention and Article 12(3) of the International Covenant on Civil and Political Rights (ICCPR).
10. The Refugees Act (the Act)<sup>13</sup> is Tanzania's main domestic legislation that governs asylum seekers and refugees; its implementation is guided by the National Refugee Policy, 2003, (the Policy) which provides a broad overview of how the State manages refugee matters within Tanzania. The Act provides the State with the discretion to require that asylum seekers and refugees live in designated areas (i.e. refugee camps).<sup>14</sup> Tanzanian law does not prescribe mandatory encampment; however, in practice there is a compulsory encampment policy and asylum seekers and refugees must live in refugee camps for an indefinite period of time. Those who do not comply with this requirement commit an offence under the Act and are liable for a maximum fine of 50,000 Tanzanian shillings and/or imprisonment for a period not exceeding six months.<sup>15</sup>
11. Asylum seekers and refugees can apply for temporary absences from the camp for up to 14 days.<sup>16</sup> Individuals who obtain such permission generally receive this authorization for medical treatment unavailable inside the camp, specific and serious security risks in the camp, or rare higher education or employment opportunities. Decisions by the Ministry of Home Affairs (MHA), the government ministry responsible for migration and refugee issues, to allow an asylum seeker or refugee to temporarily leave the camp are completely discretionary; there is no requirement for MHA to provide reasons for rejecting an applicant's request and the applicant cannot appeal MHA's decision.
12. The Director of the Refugee Services Department of MHA (Director) may grant an asylum seeker or refugee permission to live outside the camp for more than 14 days.<sup>17</sup> Again, this decision is discretionary; there is no requirement for MHA to provide reasons for its decision and the applicant does not have the right to appeal. Nevertheless, MHA has granted permission to a limited number of refugees to permanently live outside the camp.
13. Asylum seekers and refugees who cannot obtain permission to leave the camp, often live outside the camp in hiding. A 2011 AATZ survey of 122 asylum seekers and refugees (some of whom were not registered with the government or UNHCR) living in Dar es Salaam found that people leave the camp due to personal security concerns, generalized insecurity, outbreak of diseases, insufficient support and services, poverty, and/or lack of employment opportunities.<sup>18</sup> The research also found that only three percent of the respondents were

legally entitled to live in Dar es Salaam; the remaining participants lived as undocumented migrants in fear of detention and deportation.<sup>19</sup>

14. Under Article 26 of the Refugee Convention, refugees and asylum seekers lawfully in<sup>20</sup> the host state have the freedom to choose their place of residence and to move freely within its territory.<sup>21</sup> In order for restrictions on Article 26 to be lawful, they must apply to other categories of non-citizens, not only asylum seekers and refugees.<sup>22</sup> The State's *de facto* compulsory encampment policy contravenes this obligation. Tanzania's Refugees Act also violates Article 26 by limiting the freedom of movement of asylum seekers and refugees, while other non-citizens do not face such limitations.
15. Article 12(3) of the ICCPR also guarantees freedom of movement, requiring any limitation to be *inter alia* pursuant to enacted legislation.<sup>23</sup> Such legislation must itself "establish the conditions under which the rights may be limited."<sup>24</sup> The discretion granted to the State to determine when asylum seekers and refugees must reside within refugee camps and when they are allowed to leave breaches the State's obligations under Article 12(3) of the ICCPR, since such decisions are not pursuant to law that explicitly defines the limitation with adequate certainty.<sup>25</sup>

#### ***Recommendation***

- **Urgently take measures toward granting freedom of movement to asylum seekers and refugees.**

#### **Right to Identity Documents**

16. Although identification documents are provided to some asylum seekers and refugees, they are not consistent throughout Tanzania. The lack of uniform identification documents further limits the freedom of movement of asylum seekers and refugees in breach of Article 27 of the Refugee Convention by creating a risk of arrest, detention and deportation for those who cannot otherwise prove their immigration status.<sup>26</sup> The risk is particularly evident for those asylum seekers and refugees who live outside refugee camps.
17. Asylum seekers and refugees in refugee camps are able to obtain UNHCR ration cards, which enable the holder to receive food rations in the camp. While having a ration card can serve as some proof that a person is an asylum seeker or refugee, such a card holds little influence outside of refugee camps, as it does not include a person's name, photo or immigration status. Proof of registration documents provided to encamped asylum seekers and refugees list the holder's name and photo, but do not state her immigration status. Asylum seekers and refugees who obtain permission to leave the camp are given a letter by MHA, which identifies the person's immigration status and may include a photo. In general, asylum seekers and refugees who leave the camp without permission or those who have never been to the camp generally do not have any identity documents which state their immigration status; these people are most at risk of detention and deportation.

18. In 2013, the National Identification Authority (NIDA) commenced issuing national identification cards for all residents in Tanzania. These identification cards include a photo of the relevant person and her immigration status. NIDA has planned to provide these cards to refugees, but it is unclear if they will be provided to asylum seekers. However, the distribution of national identification cards has been very slow; the majority of Tanzanian residents do not have these cards and it is uncertain when this process will be completed.
19. Asylum seekers and refugees – whether their claims have been verified or not – are entitled to identity papers under Article 27 of the Refugee Convention.<sup>27</sup> Although there is no particular form which identity documents must take, they must nonetheless enable asylum seekers and refugees to avail themselves of the rights to which they are entitled.<sup>28</sup>
20. Since neither ration cards nor registration documents are definitive proof of immigration status that precludes detention of asylum seekers and refugees, such individuals are not able to rely on these documents to claim their rights. Thus, such documents do not discharge Tanzania from its obligations under Article 27.

#### ***Recommendation***

- **Ensure the National Identification Authority provides uniform identity cards to all asylum seekers and refugees that include the person’s immigration status and photo.**

## **RIGHT TO WORK**

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21. For asylum seekers and refugees in Tanzania, the right to work, including the right to self-employment and the right to wage-earning employment, is violated by the high cost and bureaucratic challenges around accessing requisite permits and obtaining permission to live outside refugee camps.<sup>29</sup>

#### **Right to Self-Employment**

22. The high cost of obtaining the requisite permits to engage in lawful self-employment and the elimination of affordable alternatives previously available to asylum seekers and refugees violate Tanzania’s obligations under the Refugee Convention and the International Covenant on Economic, Social, and Cultural Rights (ICESCR) respectively. The restriction of refugees’ freedom of movement also prevents them from exercising their right to self-employment.
23. The Refugees Act is largely silent about refugees’ access to self-employment. However, the Policy states that “the government will allow small income generating activities to be undertaken within the camps.”<sup>30</sup> In line with the Policy, only refugees can engage in small income generating activities such as operating hair salons and barbershops; however, asylum seekers are not permitted to work inside the camps. Outside the camp, neither refugees nor asylum seekers are permitted to engage in lawful self-employment.

24. Refugees who have permission to live outside the refugee camp can apply to a municipal council for a business license to conduct a small-scale business outside the camp. However, the main barrier for refugees to obtain such a license is the prerequisite of having permission to live outside the camp. This license only provides permission for a person to conduct a small-scale business; it does not provide a refugee with permission to reside outside a refugee camp.
25. Foreigners, including refugees, who wish to engage in large-scale business in Tanzania must have a Class A residence permit.<sup>31</sup> There are different categories of Class A permits depending on the type of business activity, with fees ranging from \$1,000 to \$3,000 USD.<sup>32</sup> While Class A residence permits allow asylum seekers and refugees to live outside of camps, the fees associated in obtaining a permit are unaffordable for such individuals, particularly since many have been unemployed in Tanzania for several years due to laws preventing them from working.
26. In 2011, the Immigration Services Department of MHA granted affordable two-year permits, known as peasant permits, to undocumented migrants in Dar es Salaam who had been living in Tanzania for more than two years. Some persons who had not registered with the government or UNHCR to have their refugee claims assessed were able to apply for these permits. These permits were a special category of Class A residence permit that enabled holders to reside in Tanzania and conduct small-scale income generating activities. Over time, the permit fees ranged from \$50 USD (approximately 75,000 Tanzanian shillings in 2011) to around \$7 USD (approximately 10,000 Tanzanian shillings in 2011). In 2012, MHA stopped granting these permits and now almost all previously issued permits have expired. Peasant permits were not available to individuals who had been recognized as asylum seekers or refugees by the government or UNHCR.
27. Article 18 of the Refugee Convention accords all refugees and asylum seekers lawfully in<sup>33</sup> the host state the right to engage in self-employment.<sup>34</sup> Pursuant to Article 25(4), moderate fees may be charged for the services mentioned within the Convention.<sup>35</sup> While the right to work under Article 6 of the ICESCR is largely subject to progressive realization, immediate obligations under the Covenant require states to refrain from deliberate retrogressive measures that deteriorate the enjoyment of existing protections.<sup>36</sup>
28. Fees associated with obtaining a Class A residence permit are by no means moderate as few asylum seekers and refugees can afford to pay the requisite \$1,000 to \$3,000 USD to operate large-scale businesses outside of camps. *De facto* mandatory encampment policies prevent asylum seekers and refugees from exercising their right to self-employment through small-scale businesses as well. Furthermore, the halt on issuing new peasant permits constitutes a retrogressive measure in breach of Article 6 of the ICESCR since it degrades, rather than progresses, the full realization of the right to work for refugees in Tanzania.

#### **Recommendation**

- **Improve access to business licenses and work permits for asylum seekers and refugees.**

- **Ensure any fees associated with obtaining work permits are affordable for asylum seekers and refugees.**

### **Right to Wage-Earning Employment**

29. The Tanzanian Government violates the right of refugees to engage in wage-earning employment under the Refugee Convention by requiring refugees to pay expensive fees and meet conditions they cannot fulfill because of their displacement.
30. All foreigners who are employed in Tanzania, including refugees, must have a Class B residence permit, which costs \$2,000 USD. Until mid-2015, refugees experienced difficulties in obtaining such permits from the Immigration Services Department of MHA because most could not afford to pay the high fees. Also, only the Immigration Services Department of MHA granted work permits pursuant to the Immigration Act, 1995, which does not include any provisions on work permits for refugees. The Refugees Act provides that the Director of Refugee Services (the Director) has discretion to grant work permits to refugees;<sup>37</sup> however, in practice this does not occur because there are no regulations describing how the Director should grant these permits. The Immigration Act also provides that the applicant may appeal to the Minister responsible for immigration matters, currently the Minister of Home Affairs (Minister), regarding the refusal of a residence permit.
31. Recently the State has taken steps to increase the accessibility of work permits for refugees. The Non-Citizens (Employment Regulation) Act 2014 waives Class B residence permit fees for refugees and grants permission to the Labour Commissioner to provide these permits. Additionally, MHA is drafting regulations under the Refugees Act to provide guidance for the Director to grant work permits to refugees.
32. However, refugees still experience significant barriers to accessing the right to wage-earning employment. Refugees cannot satisfy many of the requirements to obtain a work permit by virtue of their forced displacement. For example, work permit applicants must demonstrate proof of their academic qualifications; often refugees cannot prove their overseas qualifications because they did not bring the relevant documentation to Tanzania. Although assessment of whether a refugee has the required skills for a job position is essential, providing proof of academic credentials should not be the only method to determine an individual's qualifications. For example, if a refugee cannot provide academic certificates, she could sit an exam to assess her capabilities. Applicants also require an employer sponsor; this is impracticable because many refugees cannot meet employers as they must reside in refugee camps and do not have social connections in Tanzania. Even if a refugee satisfies the requirements for a work permit, neither the Immigration Act nor Refugees Act requires MHA to grant this permit. The decision is completely discretionary and MHA does not have to provide reasons for its decision.
33. In light of the challenges in obtaining a work permit, many refugees endure difficult working conditions in the informal sector to support their families. AATZ's 2011 survey found that only three percent of the respondents (including asylum seekers and registered and

unregistered refugees) were employed in the formal sector, whereas 79 percent were employed in the informal sector.<sup>38</sup> Those who work illegally live in constant hiding from State authorities and often face exploitation by their employers who withhold wages and threaten to contact immigration or police officials.<sup>39</sup>

34. Article 17 of the Refugee Convention provides refugees lawfully staying<sup>40</sup> in a host country the right to wage-earning employment.<sup>41</sup> Under Article 6, when the right to wage-earning employment is predicated on the satisfaction of certain requirements that refugees cannot satisfy by virtue of their uprooting and dislocation, such requirements must not apply to refugees.<sup>42</sup>
35. Refugees in Tanzania are unable to meet the necessary criteria to apply for a Class B residence permit and access their right to wage-earning employment. Their forced displacement and encampment bars them from providing the requisite proof of academic qualifications and obtaining employer sponsorship. Since a refugee's experience prevents the satisfaction of such conditions, failure to waive these requirements for refugees breaches the State's obligations under the Refugee Convention.

#### ***Recommendation***

- **Exempt refugees seeking work permits from the requirement of employer sponsorship and other conditions that they are unable to satisfy because of their displacement.**

#### **FREEDOM FROM REFOULEMENT THROUGH DUE PROCESS IN RSD**

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36. In situations where the State does not grant group refugee status, asylum seekers must have prompt access to individualised RSD to prevent a risk of refoulement. This risk is amplified when the State fails to provide written reasons for negative RSD decisions and the RSD procedure lacks an independent appeal process.
37. The Minister holds final decisional authority regarding refugee status applications and his determination generally relies on the recommendations of the National Eligibility Committee (NEC) or authorized Ad-Hoc Committee (which convenes when NEC otherwise cannot). NEC is comprised of at least eight officials from various government departments who review refugee status applications, interview asylum seekers and offer recommendations to the Minister on whether to grant or deny such applications. The Minister rarely makes a decision contrary to NEC's recommendations.
38. NEC must convene in a timely manner to interview asylum seekers to avoid lengthy delays in refugees being afforded their rights and protected from deportation. Unless the Director deems that there is reasonable cause for delay, the Refugees Act provides that NEC should determine each refugee's status within 60 days after her application is submitted. The NHRAP also requires NEC to adjudicate asylum claims in a timely manner. Despite this requirement, NEC did not convene in 2011 and 2012 and only convened once in 2013. However, NEC convened three times in 2014 and in March and August in 2015. When NEC



did not convene regularly, asylum seekers' applications for refugee status were not considered. This resulted in a greater risk of detention and expulsion for asylum seekers who did not have permission to remain in the State.

39. In addition, the RSD rejection rate for asylum seekers from the Democratic Republic of Congo (DRC), one of the main countries of origin of Tanzania's refugee population, has not improved despite ongoing general violence and persecution in DRC. According to UNHCR, in 2014 the first instance RSD acceptance rate for refugees from DRC in Tanzania was only 38 percent.<sup>43</sup> In contrast, in 2014 the first instance RSD acceptance rate for refugees from DRC in Uganda was 93 percent.<sup>44</sup>
40. As many NEC members are not offered in-depth training in refugee law, they may not have adequate support to determine refugee claims correctly. The NHRAP highlighted the need to increase the capacity of refugee and immigration officers as well as NEC members in accurately assessing refugee claims.<sup>45</sup> Although the State organizes periodic training sessions for NEC members, frequent turnover has resulted in few trained NEC members attending NEC sessions. As the Minister primarily relies on NEC's recommendations, it is crucial that they are accurate and based on a thorough analysis of the facts and applicable refugee law.
41. Also, the Minister does not provide written reasons for negative RSD decisions, which are necessary for asylum seekers who wish to appeal their case. If the Minister rejects a refugee status application, the applicant's only recourse is to submit a petition for a review to the Minister who made the original decision; there is no right to appeal or request a review by a different decision-maker.
42. Article 33 of the Refugee Convention prohibits refoulement of refugees where their "life or freedom would be threatened."<sup>46</sup> Failing to provide written reasons for negative RSD decisions and precluding applicants from appealing to a different decision maker increases the risk that the State may not correctly determine a person's refugee status; instead, they may deem refugees as illegal immigrants and deport them. Consequently, refugees may be returned to countries where they face persecution, which contravenes the State's duty of non-refoulement.

#### ***Recommendation***

- **Ensure asylum seekers are given prompt access to fair and individualized RSD.**
- **Ensure that all government officers involved in RSD procedures are knowledgeable in refugee matters and receive training on accurately assessing refugee claims.**
- **Provide written reasons for negative RSD decisions.**
- **Allow applicants the right to appeal a negative RSD decision to a different decision maker.**

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<sup>1</sup> AATZ is a Tanzanian NGO established in 2009. AATZ is part of Asylum Access, an international network of NGOs dedicated to empowering refugees to live safely, work and rebuild their lives. AATZ provides legal aid to asylum seekers and refugees and conducts advocacy and community legal empowerment programs.

<sup>2</sup> CWS was founded in 1948 and serves globally as a ministry of 37 member communions and churches. CWS works with partners to eradicate hunger and poverty, promote peace and justice around the world and support sustainable grassroots development, disaster relief and refugee and displaced persons assistance.

<sup>3</sup> LHRC is a Tanzanian NGO established in 1995. LHRC promotes human rights and good governance in Tanzania by providing legal aid to vulnerable populations and educating the public about their rights. LHRC also conducts human rights monitoring to advocate for human rights.

<sup>4</sup> CHESO is a Tanzanian NGO established in 2006. CHESO advocates for children's rights by disseminating information about human rights violations against children in Tanzania.

<sup>5</sup> However, recommendation 38 at Tanzania's UPR in 2011 - "Continue to work towards protecting and promoting the rights of marginalized and vulnerable population" - indirectly covers asylum seekers and refugees. This recommendation was accepted by the State.

<sup>6</sup> *Convention Relating to the Status of Refugees*, 189 U.N.T.S. 137, article 1(2) (*Refugee Convention*).

<sup>7</sup> *Convention Governing the Specific Aspects of Refugee Problems in Africa*, 1001 U.N.T.S. 45, article 2(2).

<sup>8</sup> UNHCR, *Note on Determination of Refugee Status under International Instruments* (24 August 1977) EC/SCP/5, par. 5. <<http://www.refworld.org/docid/3ae68cc04.html>>.

<sup>9</sup> UNHCR, *UNHCR Global Trends – Forced Displacement in 2014* (2015) pg. 22 <<http://unhcr.org/556725e69.html>>.

<sup>10</sup> UNHCR, *Burundi Situation* (18 September 2015) <<http://data.unhcr.org/burundi/country.php?id=212>>.

<sup>11</sup> United Republic of Tanzania - Ministry of Constitutional and Legal Affairs, *National Human Rights Action Plan 2013-2017*, pg. 75 (NHRAP).

<sup>12</sup> *Refugee Convention*, articles 26 and 31; *International Covenant on Civil and Political Rights*, 999 U.N.T.S. 171, article 12 (ICCPR); *Universal Declaration of Human Rights*, GA Res 217A (III), articles 3 and 13 (UDHR); and *Convention on the Rights of the Child*, 1577 U.N.T.S. 3, article 22(1).

<sup>13</sup> *Refugees Act*, Cap 37 (R.E 2002) (*Refugees Act*).

<sup>14</sup> *Refugees Act*, section 17.

<sup>15</sup> *Ibid*, sections 17 and 24.

<sup>16</sup> *Ibid*, section 17.

<sup>17</sup> *Ibid*.

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<sup>18</sup> Asylum Access Tanzania, *No Place Called Home: A Report on Urban Refugees Living in Dar es Salaam* (2011) pg. 4 (*No Place Called Home*).

<sup>19</sup> *Ibid*, pg. 7.

<sup>20</sup> "Lawfully in" traditionally refers to *inter alia* individuals who have lodged their asylum claim with the host state. See Hathaway, J., *The Rights of Refugees Under International Law*, Cambridge University Press, (2005), pg. 173-186; pg. 725. (*Hathaway*).

<sup>21</sup> *Refugee Convention*, article 26.

<sup>22</sup> *Ibid*.

<sup>23</sup> ICCPR, article 12(3).

<sup>24</sup> Human Rights Committee, *General Comment No. 27 Freedom of Movement Article 12*, (1999) CCPR/C/21/Rev.1/Add.9 par. 12.

<sup>25</sup> *Ibid*, par. 13.

<sup>26</sup> *Refugee Convention*, articles 26 and 27.

<sup>27</sup> *Refugee Convention*, article 27.

<sup>28</sup> Hathaway, pg. 625.

<sup>29</sup> *Refugee Convention*, articles 17 and 18; *International Covenant of Economic, Social and Cultural Rights*, 993 U.N.T.S. 3, articles 6 and 7; and UDHR, article 23.

<sup>30</sup> *National Refugee Policy*, 2003, clause 17.

<sup>31</sup> Work permits are combined with residence permits in Tanzania.

<sup>32</sup> *The United Republic of Tanzania Ministry of Home Affairs Immigration Services Department* (August 2012) <<http://immigration.go.tz/module1.php?id=45>>.

<sup>33</sup> Hathaway, pg. 173-186; pg. 725.

<sup>34</sup> *Refugee Convention*, article 18.

<sup>35</sup> *Ibid*, section 25(4).

<sup>36</sup> Committee on Economic, Social and Cultural Rights, *General Comment No. 3, The nature of States parties' obligations*, (1990) (U.N. Doc. E/1991/23) par. 9.

<sup>37</sup> *Refugees Act*, section 32.

<sup>38</sup> *No Place Called Home*, pg. 5.

<sup>39</sup> *Ibid*.

<sup>40</sup> "Lawfully staying" traditionally refers to *inter alia* refugees whose status has been recognized by the State or by UNHCR. See University of Michigan Law School, *The Michigan Guidelines on the Right to Work* (16 March 2010) par. 8. <<http://www.refworld.org/docid/4bbaf1242.html>>.

<sup>41</sup> *Refugee Convention*, article 17.

<sup>42</sup> *Ibid*, articles 6 and 17(1).

<sup>43</sup> UNHCR, *Statistics and Operational Data* (2015) <<http://www.unhcr.org/pages/49c3646c4d6.html>> (*UNHCR 2015 Report*). See Tab 12 on annexed Excel table.

<sup>44</sup> *Ibid*.

<sup>45</sup> NHRAP, pg. 167-168.

<sup>46</sup> *Refugee Convention*, article 33.